IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 64640-M of 2006

DATE OF DECISION : 20.11.2006

Santosh

.... PETITIONER

Versus

State of Haryana

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Rajbir Sehrawat, Advocate,
for the petitioner.

Mr. S.S. Patter, Senior DAG, Haryana.

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Petitioner Santosh has filed this petition under Section 439 of the Code of Criminal Procedure for the grant of regular bail in case FIR No. 163 dated 23.7.2006 under Section 304-B/34 IPC, registered at Police Station Sadar, Bahadurgarh.

2. I have heard counsel for the parties and gone through the contents of the FIR as well as the order dated 13.10.2006, passed by Additional Sessions Judge, Jhajjar, whereby bail application of the petitioner has been dismissed.

3. The petitioner is mother-in-law of the deceased. In this case, two daughters of the complainant, namely Laxmi and Suman were married with Anil and Sandeep both sons of the petitioner on 11.5.2005. It has been alleged in the FIR that when the demand of dowry made by the accused, including the petitioner, was not fulfilled, some intoxicant substance was administered to both the daughters of the complainant by their father-in-law, mother-in-law (present petitioner) and their husbands, namely Anil and Sandeep.

4. Keeping in view the nature of allegations against the petitioner, counsel for the petitioner could not make out a case for the grant of regular bail to the petitioner. However, he submitted that the petitioner is suffering from cancer and was operated upon on 29.9.2006 in PGIMS, Rohtak. She was discharged and sent back to the jail on 16.10.2006, but in the jail, there is no post operation facility. Counsel further submitted that the petitioner has already lost her one kidney due to cancer and she needs special care, health check-ups along with special dietary and medicinal supplements. In view of these facts, which have not been disputed by the State Counsel, counsel for the petitioner submitted that the petitioner should be released on interim bail.

5. Keeping in view the aforesaid facts, without expressing any opinion on the merits of the case, I deem it appropriate to grant interim bail to the petitioner. She is ordered to be released on interim bail for a period of two months to the satisfaction of the trial court with an undertaking that on the expiry of two months, she will surrender before the trial court.

6. Disposed of.

November 20, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**